

# **TENNESSEE ALCOHOLIC BEVERAGE COMMISSION**

**Minutes  
April 19, 2007  
1:30 p.m.**

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The regular meeting of the Tennessee Alcoholic Beverage Commission was held on Thursday, April 19, 2007 in Nashville, Tennessee at 1:00 p.m. Chairman John Jones, Commissioner Cynthia Bond and Commissioner Harlan Mathews were present. Executive Director Danielle Elks, Assistant Director Carolyn Smith, CLEO Mark Hutchens, SAC Mike Cawthon, ASAC Andy Woodall, SA Brad Allison, SA Jason Poore from the staff, were present.

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**1. The Minutes for March 15, 2007 Commission Meeting were approved.**

**2. RETAIL PACKAGE STORES**

**A. OLD BUSINESS**

**1. HARVEST TOWN WINE AND SPIRITS (2)  
KNOXVILLE, TENNESSEE (KNOX COUNTY)**

**Licensee: Two G's, Inc.  
Stockholders: Chris Gettlefinger and Frances Gettelfinger  
New Stockholder: Steven Gettlefinger**

Before the Commission is a request to transfer stock between assumed stockholder Chris Gettlefinger and new stockholder, Steven Gettlefinger. Steven Gettlefinger desires to purchase Chris's 80% of Two G's, for \$400,000. If approved, Steven Gettlefinger would own 80% of Two G's, Inc., and Frances Gettelfinger would own 20%.

**Discussion/Action Taken:**

Director Elks requested that this matter be continued to the April Commission meeting. Director Elks stated that notwithstanding what is on the agenda, there are documents that are still needed on the transfer. Chairman Jones made a motion to continue to the April Commission meeting. Commissioner Mathews seconded the motion and it passed with 3 ayes. **(At the March 15, 2007 Commission meeting, the Commission approved the stock transfer from Nancy Gettlefinger to Chris Gettlefinger.)**

Documentation requested from Steven:

- a. Bill of Sale;
- b. Newspaper notice;
- c. Certificate of compliance;
- d. Financial background check—including bank check.

**Discussion/Action Taken:**

Director Elks stated the attorney representing Steve Gettelfinger indicated that Steve is scheduled to meet before the Knoxville Board to obtain his Certificate of Compliance on April 24, 2007. Director Elks requested that the matter be continued to the May Commission meeting. Commissioner Bond made a motion to defer to the May meeting. Commissioner Mathews seconded the motion and it passed with 3 ayes.

**B. HICKORY DISCOUNT LIQUORS  
NASHVILLE, TENNESSEE (DAVIDSON COUNTY)**

**Seller/Licensee: Sanh Huu Huynh**  
**Buyer/Applicant: Hanh Huu Huynh**

Before the Commission is a request for a transfer of ownership of the retail store located at 15114 Old Hickory Boulevard, in Nashville, Tennessee. Mr. Hanh Huu Huynh is purchasing the business from his brother for \$180,000, plus the cost of inventory. Financing is based upon a loan with his sister and brother-in-law for \$240,000. Mr. Huynh is paying \$5850 per month for rent to K.R. Stanfill and D.H. Peppers. All documentation has been submitted with the exception of the following:

- a. TABC Inspection;
- b. Acknowledgement of the rules and regulations.

**Discussion/Action Taken:**

Director Elks recommended approval upon submission of the TABC Inspection and the acknowledgment of the rules and regulations. Commissioner Mathews made a motion to approve upon submission of the pending documentation. Commissioner Bond seconded the motion and it passed with 3 ayes.

**C. LAVERGNE LIQUORS  
LAVERGNE, TENNESSEE (RUTHERFORD COUNTY)**

**Licensee:** Shaan, Inc.  
**Stockholder:** Natvar Patel

Before the Commission is a request for a transfer of location from 5138 Murfreesboro Road to 5033B Murfreesboro Road, in Lavergne, Tennessee. The request is based upon the fact that curbing has been added to the road which has reduced parking, and the need for a larger selling area. Shaan, Inc. is leasing the new space from SAI Joint Venture for \$12,000/month. SAI Joint Ventures consists of Natvar Patel, Niki Patel, Chirag Patel and Prajesh Patel. All documentation has been submitted with the exception of the following:

- a. Use and occupancy permit;
- b. TABC Inspection.

**Discussion/Action Taken:**

Director Elks recommended approval upon submission of the TABC Inspection and the Use and Occupancy. Commissioner Mathews made a motion to approve upon submission of the pending documentation. Commissioner Bond seconded the motion and it passed with 3 ayes.

**D. MOUNTAIN WINE AND SPIRITS  
TRACY CITY, TENNESSEE (GRUNDY COUNTY)**

**Applicant:** Mountain Wines and Spirits, Inc.  
**Stockholders:** Laura Gifford

Before the Commission is a request for a new retail license to be located at 333 Railroad Avenue, in Tracy City, Tennessee. Ms. Laura Gifford is the sole stockholder of the corporate applicant. She intends to initially invest \$50,000 to operate the business. Financing is based upon a loan with Citizens Tri County Bank. Ms. Gifford owns the property, and is leasing the property to the corporation for \$250.00/month. All documentation has been submitted with the exception of the following:

- a. TABC inspection.

**Discussion/Action Taken:**

Director Elks recommended approval upon submission of the TABC Inspection. Commissioner Bond made a motion to approve upon submission of the TABC inspection. Commissioner Mathews seconded the motion and it passed with 3 ayes.

**E. COLONIAL LIQUOR AND WINE  
KNOXVILLE, TENNESSEE (KNOX COUNTY)**

**Applicant: Nasir Mithani**

Before the Commission is a request for a new retail store to be located at 6013 Chapman Highway in Knoxville, Tennessee. Mr. Nasir Mithani intends to initially invest \$65,000, all of which comes from personal funds. Mr. Mithani is leasing the property from Raymond Jarnigan and Mary Beth Kate for 10 years for \$800/month. Mr. Mithani has an option to purchase the property for \$250,000 at the end of the first year. All documentation has been submitted with the exception of the following:

- a. TABC Inspection;
- b. Use and Occupancy permit;
- c. Acknowledgement of the rules and regulations;
- d. Sales tax number.

**Discussion/Action Taken:**

Director Elks recommended approval upon submission of the following documentation:

- a. TABC Inspection;
- b. Use and Occupancy permit;
- c. Acknowledgement of the rules and regulations;
- d. Sales tax number.

Chairman Jones made a motion to approve upon submission of the pending documentation. Commissioner Mathews seconded the motion and it passed with 3 ayes.

**F. CREEKSIDE WINE AND SPIRITS  
JASPER, TENNESSEE (MARION COUNTY)**

**Applicant:** Creekside Wine and Spirits, LLC  
**Member:** Sarah J. Lee

Before the Commission is a request for a new retail store to be located at 4150 Main Street, Suite 102, in Jasper, Tennessee. Ms. Sarah J. Lee intends to initially invest \$60,000, and if approved, operate the business as a LLC. Financing is based upon a home equity line of credit, with her husband, Marcus Lee as co-guarantor on the loan. The applicant is leasing the property from Keith and Melissa Moss for \$800/month. All documentation has been submitted with the exception of the following:

- a. TABC Inspection;
- b. Use and Occupancy permit;
- c. Lease, when obtain.

**Discussion/Action Taken:**

Director Elks recommended approval upon submission of the TABC Inspection, Use and Occupancy permit and lease, when it is obtained. Commissioner Bond made a motion to approve upon submission of the pending documentation. Commissioner Mathews seconded the motion and it passed with 3 ayes.

**G. THE RESERVE, HOME OF FINE WINE AND SPIRITS  
MARYVILLE, TENNESSEE (BLOUNT COUNTY)**

**Applicant:** The Reserve, Wine and Spirits, LLC  
**Members:** William Riley and Kellie Calloway

Before the Commission is a request for a new retail store to be located at 2025 East Hunt Road, in Maryville, Tennessee. Mr. William Riley and Ms. Kellie Calloway intend to initially invest \$150,000, and if approved, operate the business as a LLC. Financing is based loan with First Tennessee Bank. For a period of 180 days, Mr. Riley has the option to purchase the property. All documentation has been submitted with the exception of the following:

- a. TABC Inspection;
- b. Use and occupancy permit;
- c. Tax Stamp in the LLC's name

- d. Lease to LLC;
- e. Deed to Clark Development, LLC.

**Discussion/Action Taken:**

Director Elks recommended approval upon submission of the Lease to the LLC and the Deed to Clark Development, LLC. Chairman Jones made a motion to approve upon submission of the pending documentation. Commissioner Bond seconded the motion and it passed with 3 ayes.

**H. WOODLAND WINE MERCHANT  
NASHVILLE, TENNESSEE (DAVIDSON COUNTY)**

**Applicant:** Woodland Wine Merchant, LLC  
**Member:** William Motley

Before the Commission is a request for a new retail store to be located at 1001 Woodland Street, in Nashville, Tennessee. Mr. William Motley intends to initially invest \$250,000, and if approved, operate the business as a LLC. Financing is based personal savings and investments. The applicant is leasing the property from Woodland Street Properties, LLC for \$3000/month for a period of 6 years. All documentation has been submitted with the exception of the following:

- a. TABC Inspection;
- b. Use and occupancy permit;
- c. Acknowledgement of the rules and regulations.

**Discussion/Action Taken:**

Mr. William Motley was present at the meeting. Director Elks recommended approval upon submission of the TABC Inspection, Use and Occupancy permit and the Acknowledgment of the Rules and Regulations. Commissioner Mathews made a motion to approve upon submission of the pending documentation. Commissioner Bond seconded the motion and it passed with 3 ayes.

**I. CITY LIMITS  
MURFREESBORO, TENNESSEE (RUTHERFORD COUNTY)**

**Seller/Licensee:** City Limits Liquors & Wines, LLC  
**Member:** Teresa Harmon  
**Buyer/Applicant:** Murfreesboro City Limits Liquor and Wine, LLC  
**Member:** Gary Houk

Before the Commission is a request for a transfer of ownership from Teresa Harmon to Gary Houk. Mr. Houk, if approved, intends to operate the business as an LLC. Financing for the business is based upon a line of credit with Pinnacle Financial Partners. Mr. Houk owns the property, and is leasing the property to the applicant LLC for \$2500/month. All documentation has been submitted with the exception of the following:

- a. TABC Inspection;
- b. Acknowledgement of the rules and regulations;
- c. Bill of Sale.

**If approved, the applicant wishes to change the business name change to Murfreesboro City Limits Liquor and Wine.**

**Discussion/Action Taken:**

Mr. Gary Houk was present at the meeting. Director Elks recommended approval upon submission of the TABC Inspection, the Acknowledgment of the Rules and Regulations and the Bill of Sale. Commissioner Mathews made a motion to approve upon submission of the pending documentation. Commissioner Bond seconded the motion and it passed with 3 ayes.

Commissioner Mathews made a motion to change the name to Murfreesboro City Limits and Liquor and Wine. Commissioner Bond seconded the motion and it passed with 3 ayes.

**I. DAVENPORT’S WINE AND SPIRITS  
MEMPHIS, TENNESSEE (SHELBY COUNTY)**

**Seller/Licensee:** Davenports Wine & Spirits, LLC  
**Members:** Vicki and James Davenport  
**Buyer/Applicant:** ETZ Enterprises, Inc.  
**Stockholder:** James Brett Etz

Before the Commission is a request for a transfer of ownership from Vicki and James Davenport to James Brett Etz. Mr. Etz, if approved, intends to operate the business as corporation. The purchase price for the business is \$115,000. Financing for the business is based upon \$40,000 personal funds, and a \$75,000 promissory note with Davenports Wine & Spirits, LLC. The Applicant is leasing the property from Applng Way I GP for \$2133.34/month for a period of 5 years. All documentation has been submitted. **If approved, Mr. Etz is requesting a business name change to ETZ Enterprises.**

**Discussion/Action Taken:**

Director Elks recommended approval. Commissioner Bond made a motion to approve. Commissioner Mathews seconded the motion and it passed with 3 ayes.

Commissioner Bond made a motion to change the name to Etz Enterprises. Commissioner Mathews seconded the motion and it passed with 3 ayes.

**J. SKYVIEW LIQUORS  
MEMPHIS, TENNESSEE (SHELBY COUNTY)**

**Licensee/Seller: Roosevelt Hodge**  
**Buyer/Applicant: Elijah Perry, Jr.**

Before the Commission is a request for a transfer of ownership of the retail store located at 2600 James Road in Memphis, Tennessee. Mr. Roosevelt Hodge wishes to sell the business to Mr. Elijah Perry for \$225,000--\$70,000 is for inventory. Financing is based upon a promissory note with the seller in the amount of \$125,000 for five years; the remaining financing is based upon funds received as a result of a settlement. River City Company, Inc. has agreed to assign the lease to Mr. Perry: terms of the lease are for one year at \$1600/month. All documentation has been received with the exception of the following:

- a. Mr. Perry's signature on the promissory note;
- b. Lease to Mr. Perry when obtained; and
- c. Acknowledgement of the rules and regulations.

**This matter was originally approved at the November 16, 2006 Commission meeting. Mr. Perry has been unable to obtain his finances from the bankruptcy court (settlement referenced above). He anticipates receiving the funds soon, but is required to obtain an additional 30 day extension from the Commission.**



**Discussion/Action Taken:**

Director Elks stated that the staff approved the last 30-day extension for him to open his business. Director Elks stated that Mr. Perry is anticipating on receiving his funds from the bankruptcy court within two weeks. Commissioner Bond made a motion to approve. Commissioner Mathews seconded the motion and it passed with 3 ayes.

**4. ADMINISTRATIVE CITATIONS and CONTESTED CASES**

**A. MICHAELA ANNE HUGOBOOM—CON'T FROM FEBRUARY, 2007**

On December 28, 2006, Michaela Anne Hugoboom sold an alcoholic beverage to an eighteen year-old confidential informant at Michael's in Knoxville, Tennessee. KPD Officer Matiak witnessed the transaction. To date, the Respondent has not paid the citation. The Respondent is represented by an attorney, Lawrence Ault, who has requested a continuance until the April, 2007 Commission meeting. Mr. Ault indicates that she has a health condition and also must appear in criminal court this month; further, he has a jury trial set for the third Thursday of March, 2007.

**Discussion/Action Taken:**

Director Danielle Elks stated that Michaela Anne Hugoboom has paid the administrative citation; so therefore, no action is necessary.

**B. MATTHEW LAWRENCE GAYLON**

On February 23, 2007, Matthew Lawrence Gaylon sold a bottle of Jack Daniels to a nineteen year-old confidential informant at the Stones River Liquors in Murfreesboro, Tennessee. TABC SA Amy Farmer witnessed the transaction. To date, the Respondent has not paid the citation.

**Discussion/Action Taken:**

Director Danielle Elks stated that Matthew Lawrence Gaylon has paid the administrative citation; so therefore, no action is necessary.

**C. HIRENKUMAR GULABBHAI PATEL**

On February 23, 2007, Hirenkumar Gulabbhai Patel sold a bottle of Jack Daniels to a nineteen year-old confidential informant at University Package Store in Murfreesboro, Tennessee. TABC SA Brad Allison witnessed the transaction. To date, the Respondent has not paid the citation.

**Discussion/Action Taken:**

Hirenkumar Gulabbhai Patel was present at the meeting. Mr. Patel stated that he wanted to state his opinion and pay the fine. Mr. Patel testified that he did sell to the minor. Mr. Patel testified that the day that Brad Allison came to the store that they had construction around the building and there was a lot of distraction and that it was an honest mistake that he sold to the minor. Because Mr. Patel agreed to pay the fine, no action was necessary by the Commission.

**D. CARLY LYNN CRIPE**

On February 23, 2007, Carly Lynn Cripe sold an alcoholic beverage to a nineteen year-old confidential informant at Casa Burrito in Murfreesboro, Tennessee. TABC SA Amy Farmer witnessed the transaction. To date, the Respondent has not paid the citation

**Discussion/Action Taken:**

Director Danielle Elks stated that Carly Lynn Cripe has paid the administrative citation; so therefore, no action is necessary.

**F. JOSHUA SENGSOUX**

On February 23, 2007, Joshua Sengsoux sold a bottle alcohol to a nineteen year-old confidential informant at J & A Liquors in Murfreesboro, Tennessee. TABC SA Amy Farmer witnessed the transaction. To date, the Respondent has not paid the citation.

**Discussion/Action Taken:**

Director Danielle Elks stated that Joshua Sengsoux has paid the administrative citation; so therefore, no action is necessary.

**G. JODI LYNN WILLIAMS**

On March 9, 2007, Jodi Lynn Williams sold an alcoholic beverage to a twenty year-old confidential informant at the Olive Garden Restaurant in

Sevierville, Tennessee. TABC SA Jason Poore witnessed the transaction. To date, the Respondent has not paid the citation.

**Discussion/Action Taken:**

Special Agent Jason Poore was present at the meeting. Assistant Director Carolyn Smith stated that Jodi Lynn Williams has not paid the administrative citation. SA Poore testified that on March 9, 2007 the Tennessee Alcoholic Beverage Commission was assisting the Knoxville Police Department and the Sevierville Police Department with an underage sting, along with the beer establishments of the city of Sevierville, Tennessee. SA Poore testified that a first server had carded the informant. The server had to get something from the kitchen and she asked the other bartender if she would serve the informant. The server looked at his ID and then served him a beer. Special Agent Poore testified that Ms. Williams stated that she miscalculated the DOB.

Chairman Jones made a motion to suspend the permit for six (6) months and pay the administrative citation; however, if the server pays the administrative citation, then the server permit card can be reinstated. Chairman Mathews seconded the motion and it passed with 3 ayes.

**H. MICHELE L. BOROWSKI**

On March 15, 2007, Michele Borowski sold an alcoholic beverage to an under-aged confidential informant at Midnight Rodeo, in Newport, Tennessee. TABC SA Chad Beck witnessed the transaction. To date, the Respondent has not paid the citation.

**Discussion/Action Taken:**

Assistant Director Carolyn Smith stated that Michele L. Borowski has paid the administrative citation; so therefore, no action is necessary.

**I. KIMBERLY D. FISH**

On March 15, 2007, Kimberly Fish sold a bottle of George Dickel to under-aged confidential informant at West End Package Store, in Newport, Tennessee. TABC SA Randall Poe witnessed the transaction. Identification was not checked. To date, the Respondent has not paid the citation.

**Discussion/Action Taken:**

Assistant Director Carolyn Smith stated that Kimberly D. Fish has paid the administrative citation; so therefore, no action is necessary.

**J. SHERRY ROY**

Ms. Roy has appealed the decision of TABC staff denying her application for a server permit, and has requested a hearing. TABC staff denied Ms. Roy's application for a permit based on felony convictions in 2006. T.C.A. §57-3-704 prohibits the issuance of a server permit to anyone who has been convicted of a felony within four years of the date of the application.

**Discussion/Action Taken:**

Sherry Roy was present at the meeting. Assistant Director Carolyn Smith stated that Ms. Roy submitted an application for a server permit in February, 2007. Assistant Director Smith stated that she disclosed some convictions on her application and provided disposition information from the court. Assistant Director stated that there was one felony conviction in August, 2006. The conviction was for a second offense for driving on a revoked or suspended license. It is listed as a felony; therefore, the staff denied her application for a permit because there is a four (4) year waiting period of a felony conviction.

Commissioner Bond made a motion to uphold the denial of the server permit. Commissioner Mathews seconded the motion, and it passed with 3 ayes.

5. **SPECIAL OCCASION LICENSES**
6. **CONSUMER EDUCATION SEMINAR LICENSES**
7. **PERSONNEL**
8. **BUDGET**
9. **CONSENT ORDERS**
10. **PENDING MATTERS LIST**
11. **MISCELLANEOUS** – Director Elks stated that an Order of Jelovski vs. the State of Tennessee was upheld of which the Commission was a party regarding a direct shipment case of alcoholic beverages. Frederick Jelovski and another entity sued Governor Bredesen, Attorney General Summers and the Tennessee Alcoholic Beverage Commission to allow direct shipment into the State. The Eastern District Court of Tennessee at Greeneville upheld Tennessee's laws and ruled that Tennessee's statutes prohibiting direct shipment of alcohol from out-of-state were constitutional.
12. **DATE OF NEXT MEETING** – May 24 and June 21, 2007 at 1:30 p.m.

There being no further business the meeting was adjourned.

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Shari Danielle Elks  
Executive Director

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John A. Jones  
Chairman